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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/083,578	578 02/27/2002		Takayoshi Togino	P 290690 OL101302N-US 2265	
909	7590	06/26/2003	•		
		HROP, LLP	EXAMINER		
P.O. BOX 10500 MCLEAN, VA 22102				SPECTOR, DAVID N	
				ART UNIT	PAPER NUMBER
				2873	

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

		<i>V</i>					
• • •	Application No.	Applicant(s)					
	10/083,578	TOGINO, TAKAYOSHI					
Office Action Summary	Examiner	Art Unit					
	David N. Spector	2873					
The MAILING DATE of this communication app Period for Reply	pears	correspondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply fix NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36(a). In no event, however, may a reply be tir y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. ED (35 U.S.C. § 133).					
1) Responsive to communication(s) filed on 27 F	February 2002 .						
2a) This action is FINAL . 2b) ⊠ Th	is action is non-final.						
3) Since this application is in condition for allows closed in accordance with the practice under Disposition of Claims							
4)⊠ Claim(s) <u>1-13</u> is/are pending in the application	1.						
4a) Of the above claim(s) is/are withdraw	wn from consideration.						
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-13</u> is/are rejected.							
7) Claim(s) is/are objected to.	7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.						
Application Papers							
9)⊠ The specification is objected to by the Examine							
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner.							
,	arriller.						
Pri rity under 35 U.S.C. §§ 119 and 120 13) △ Acknowledgment is made of a claim for foreign	a priority under 35 H S C & 119/s	a)_(d) or (f)					
a) ☐ All b) ☐ Some * c) ☐ None of:	i phonty under 55 0.5.6. § 119(8	a)-(u) or (i).					
· _ ·	s have been received						
 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 							
Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bu * See the attached detailed Office action for a list	reau (PCT Rule 17.2(a)).						
14) ☐ Acknowledgment is made of a claim for domesti	ic priority under 35 U.S.C. § 119(e) (to a provisional application).					
 a) The translation of the foreign language pro 15) Acknowledgment is made of a claim for domest 	* *						
Attachment(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal	y (PTO-413) Paper No(s) Patent Application (PTO-152) ACTION .					

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DETAILED ACTION

Objections - Specification

1. The specification is objected to. The current specification appears to be a literal translation of a foreign-language document into the English language. It is replete with terms which that are not clear, concise, and exact. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (see MPEP § 2173.05(d).)
- (a) Claims 1-13 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors which renders their meaning unclear.
- (b) Independent claim 1 is rendered indefinite by the use of the unintelligible phrase "An optical system which is transformed to bend an optical axis thereof, thereby varying paraxial amounts thereof" (Claim 1, Lines 1-3).
- (c) Independent claim 2 is rendered indefinite by the use of the unintelligible phrase "wherein said at least two optical elements are mutually decentered, thereby varying properties thereof" (Claim 2, Lines 2-4).
- (d) Independent claim 10 is rendered indefinite by the use of the unintelligible phrase "transforming at least a portion of said optical system to thereby shift and/tilt (sic.) an

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optical axis position defined by said optical system, so that depending on a change in said optical axis position, a position of said optical axis entered into said optical surface is varied to thereby change an optical power" (Claim 10, Lines 6-12).

Other Remarks/Information

- 4. The aforesaid defects in applicant's disclosure preclude the identification of clearly allowable subject matter at this time.
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (703) 305-1521. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on (703) 308-4883. The fax number for the organization where this application is assigned is (703) 308-7722.

June 24, 2003

David N. Spector Primary Examiner